



Rep. Rita Mayfield

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09800HB3005ham004

LRB098 11769 JLS 44819 a

1 AMENDMENT TO HOUSE BILL 3005

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3005, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Employee Background Check Act.

7 Section 2. Findings. The General Assembly finds that it is  
8 in the public interest to give Illinois employers access to the  
9 broadest pool of qualified applicants possible, to create  
10 pathways that facilitate observance of the civil rights of  
11 those seeking employment, and to ensure that all qualified  
12 applicants are properly considered for available employment  
13 opportunities and are not pre-screened unnecessarily or  
14 unjustly.

15 Section 5. Definitions. As used in this Act:

1 "Candidate" means any person considered by an employer when  
2 identifying potential employees including, but not limited to,  
3 persons who ask to be considered for employment or who request  
4 information from an employer regarding potential employment or  
5 are pursuing employment with an employer in response to some  
6 indication that an employer may have employment opportunities  
7 available.

8 "Employer" means any entity or person that employs one or  
9 more persons.

10 "Employment" means any occupation or vocation.

11 Section 10. Employer pre-screening.

12 (a) An employer may not, on the face of an employment  
13 application or through any other means, inquire about or into a  
14 candidate's criminal history directly or indirectly until  
15 after the employer determines the candidate to be qualified for  
16 the employment opportunity and interviews the candidate.  
17 Employers may orally ask a candidate about criminal convictions  
18 during an interview.

19 (b) The limitations set forth in subsection (a) of this  
20 Section do not apply to employers who are required to exclude  
21 candidates from employment because of State or federal law or  
22 Section 25 of the Health Care Worker Background Check Act.

23 Section 15. Rebuttable presumption. If an employer hires a  
24 candidate pursuant to this Act that is determined to have a

1 criminal background, the employer shall have a rebuttable  
2 presumption in any legal proceeding against the employer  
3 regarding the employment of the candidate that the employer  
4 performed its due diligence and acted in good faith in hiring  
5 such candidate.

6 Section 20. Willful and knowing violations. A candidate may  
7 bring a civil action in circuit court to recover actual damages  
8 that result from an employer's willful and knowing violation of  
9 this Act of not less than \$100 and not more than \$500.

10 Section 99. Effective date. This Act takes effect January  
11 1, 2014."